

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
v.) No. CR-14-318-M
)
DOUGLAS G. WILLIAMS,)
)
Defendant.)

**MOTION FOR A FINAL ORDER OF FORFEITURE
AND IMPOSITION OF FORFEITURE MONEY JUDGMENT**

The United States respectfully moves for a final order of forfeiture and the imposition of a forfeiture money judgment against Douglas G. Williams.

Douglas G. Williams has pled guilty to mail fraud and witness tampering, as alleged in Counts 1-5 of the Indictment. In relation to these counts, the United States gave notice in the Indictment that, in the event of his conviction, he would be required to forfeit to the United States “any and all property, real or personal, constituting or derived from proceeds traceable to the said offenses, including but not limited to a money judgment in an amount equal to the proceeds obtained as a result of the offense.” Doc. No. 1, at 19.

On May 13, 2015, the defendant entered a petition to enter plea of guilty in which he consented to forfeiture to the United States voluntarily and immediately all of his right, title, and interest to any and all assets that are subject to forfeiture pursuant to 18

U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) that are in the possession and control of the defendant or nominees. Doc. No. 39, at 5 (¶19(d)).

The United States has not, as of this date, identified specific assets that were derived from the offense for the defendant has been convicted. Nor has the United States yet identified any property of the defendant that could be forfeited as a substitute asset in accordance with 21 U.S.C. § 853(p).

Accordingly, the United States seeks the entry of a final order of forfeiture consisting of a personal money judgment against the defendant, Douglas G. Williams, in the amount of \$7,750.00. Because the proposed order involves only a money judgment, rather than specific property, it should be a final order, with no need for adjudication of the rights of third parties. Fed. R. Crim. P. 32.2(b)(4)(A).

The entry of a Final Order of Forfeiture in the form of a personal money judgment is specifically authorized by Rule 32.2(b)(1) and (c)(1) of the Federal Rules of Criminal Procedure. Such orders of forfeiture are commonplace. *See United States v. McGinty*, 610 F.3d 1242, 1246 (10th Cir. 2010) (stating that government is entitled to a money judgment against the defendant for the money he obtained from his criminal activity) (citing 18 U.S.C. § 982(a)(2)).

Once the final order of forfeiture is entered, the government may move at any time, pursuant to Rule 32.2(e)(1)(B), to amend the Order to forfeit specific property of the defendant, having a value up to the amount of the money judgment, as substitute assets. *See United States v. Candelaria-Silva*, 166 F.3d 19, 42 (1st Cir. 1999) (once the Government has obtained a money judgment, it may forfeit defendant's real property in

partial satisfaction of that judgment); *see also United States v. Baker*, 227 F.3d 955, 968 (7th Cir. 2000) (same); *United States v. Numisgroup Int'l. Corp.*, 169 F. Supp. 2d 133, 136-37 (E.D.N.Y. 2001) (holding that Rule 32.2(e) authorizes forfeiture of substitute assets to satisfy a money judgment, including a judgment based on the value of the missing proceeds).

The United States respectfully moves for entry of a final order of forfeiture in the form of a personal money judgment against Douglas G. Williams in the amount of \$7,750.00.

Respectfully submitted,

RAYMOND HULSER
Chief, Public Integrity Section

/s/ Brian K. Kidd
Brian K. Kidd
Trial Attorney
U.S. Department of Justice
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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2015, I electronically filed the foregoing Motion for Final Order of Forfeiture and Imposition of Money Judgment with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

I hereby certify that on May 29, 2015, I served the attached document by first class mail, certified mail and/or by personal service by the U.S. Marshals Service on the following, who are not registered participants of the ECF System:

Douglas G. Williams
Defendant

/s/ Brian K. Kidd
BRIAN K. KIDD
Trial Attorney